

Application No.: 10/689,398
Response dated 11 February 2007
Reply to Office Action of January 11, 2007

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REMARKS

The present invention has been made subject to a Restriction Requirement by the Examiner. The inventions designated are as follows:

- I) Claims 1-53, drawn to an appliance;
- II) Claims 54-76 and 81-84, drawn to vapor deposition; and
- III) Claims 77-80, drawn to a vapor deposition system.

It is maintained by the Examiner that the inventions are distinct from each other. The reasons for the Restriction are provided on pages 2 and 3 of the Office Action. Applicant can understand the points made by the Examiner, and acknowledges that some restriction of the claims might be warranted. However, the present division of claims appears to be somewhat excessive.

Inventions I and II are said by the Examiner to be related as a process of making, and a product made. The appliance of claim 1 does include key features which are somewhat distinct from the deposition method of claim 54 et seq. There is a basis for this particular restriction, although Applicant would request the Examiner to reconsider whether all of the claims could be searched and considered in a single prosecution. The same request is made in regard to the Examiner's division between Inventions I and III.

Applicant more emphatically submits that the Inventions of Groups II and III are part of a single concept, which can be searched and examined in that fashion. In this instance, the Examiner appears to indicate that the apparatus of Group III can be used to practice a method distinct from that of Group II. While Applicant does maintain that the apparatus can be used to carry out a variety of processes, they do rely on the use of some type of flame to heat a precursor material, which is consistent with the system features recited in claim 77. Thus, Applicant does not understand the Examiner's example (paragraph 4 of the Office Action) regarding the formation of other metallic materials, using a flame. A further explanation regarding this portion of the Restriction is thus requested; or Applicant would submit that this part of the Restriction should be withdrawn.

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Applicant has also selected a species within Group I, based on the Examiner's outline in paragraph 7 of the Office Action. However, it is submitted that each of these species is not "independent or distinct" from each other. As one example, the "converters" recited in many of the claims are part of a single inventive concept which transforms energy produced by the consumption of hydrogen (e.g., as described in paragraph 24 of the specification). While various converters (e.g., power generation or thermal management types) are certainly different from each other, they are all part of an overall concept which can be viewed in that context, i.e., without any type of "splitting up" for the purpose of examination.

The same can be said for the materials-species' referenced in subparagraphs (d) and (e) of Office Action paragraph 7. Certainly, different transition metals and carbon materials are provided in the referenced claims, as well as in the specification. However, the mere fact that each material might be different from each other does not automatically create a "distinct" or "independent" species. Thus, Applicant is concerned about the possibility that the Examiner may indicate that he cannot allow a generic claim at some point during review. If that were the case, the single, designated species could effectively narrow the prosecution to a degree which will necessitate a potentially large number of divisional cases to capture the subject matter originally filed here. Thus, modification and streamlining of the species selection requirement is respectfully requested.

Please charge all applicable fees associated with the submittal of this Response and any other fees applicable to this application to the Assignee's Deposit Account No. 07-0868.

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